



# Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Twenty-Sixth Day

Tuesday Afternoon

March 16, 2021

The invocation was offered by Chaplain Pam Russell of the Public Servant's Prayer.

The House convened at 1:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Klinker.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield □
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison
Davisson	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders
Hamilton	Schaibley
Harris	Shackleford
Hatcher	Slager
Hatfield	Smaltz
Heaton	Smith, V.
Heine	Snow
Hostettler	Soliday
Jackson	Speedy
Jacob	Steuerwald
Jeter	Sullivan ●
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr □  
VanNatter  
Vermilion  
Wesco

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 261: 97 present; 2 excused; 1 absent. The Speaker announced a quorum in attendance. [NOTE: □ indicates those who were excused. ● indicates those that were absent.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 18, 2021, at 10:30 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

## RESOLUTIONS ON FIRST READING

### House Resolution 21

Representatives Davis and Speedy introduced House Resolution 21:

A HOUSE RESOLUTION congratulating the Roncalli Football Team.

*Whereas, The 2020 Roncalli High School football team won the Indiana High School Athletic Association's 2020 Class 4A state football championship on November 27, 2020;*

*Whereas, The Roncalli football team left Lucas Oil Stadium with their 10th state title, and the Royals finished their season 13-1 after weeks of "laser focused" practice and spirited work from each player;*

*Whereas, Roncalli scored on its first possession of the game with an 18-play, 66-yard drive against the Hobart Brickies, who entered the championship game with a 12-1 record;*

*Whereas, The Royals quickly picked up momentum, displaying a longstanding tradition of athleticism, talent, and skill on the field;*

*Whereas, Quarterback Aidan Leffler's 5-yard scoring pass to Michael Gallagher marked the first points of the game, and the Royals quickly followed with an interception by Skyler Phillips that set Roncalli's offense up inside the Hobart 25-yard line. A 17-yard touchdown pass to Kyle Lockard gave Roncalli a 14-0 lead into the second quarter;*

*Whereas, Leffler completed two more touchdown passes in the first half of the game, at 50 yards and 17 yards, to Cole Beckman and Kyle Lockard, respectively;*

*Whereas, Roncalli entered the second half 28-0, with Luke Russell's fourth extra point of the half, and started play with a Hobart onside kick that led to a hand off to Royal Baron Huebler. Huebler set up the offense for a 51-yard touchdown pass to Kyle Lockard, giving him a third touchdown catch and tying an IHSAA 4A state final record;*

*Whereas, Baron Huebler carried the ball nine times in Roncalli's next play sequence, culminating in his 2-yard touchdown dive to give the Royals a commanding 42-0 lead;*

*Whereas, The Royals finished the game 49-7 after Dominic Brown returned a Hobart kickoff 92 yards for a touchdown in the final seconds of the game. This marked Roncalli's first kick return touchdown in five years;*

*Whereas, Leffler finished with a 200-yard passing game leading to five scores and tying an IHSAA 4A championship game record;*

*Whereas, The Roncalli defense played with skill, determination, and grit, keeping Hobart to less than 200 yards in offense;*

*Whereas, Veteran head coach John Rodenberg brought decades of experience to his first season at Roncalli, and led the Royals to victory. He is the fourth coach to win a state football title for the Royals;*

*Whereas, Roncalli's Ryan Henry was recognized during the award ceremony and received the Phil N. Eskew Mental Attitude Award. Ryan plans to attend the United States Military Academy at West Point or the Air Force Academy to study engineering;*

*Whereas, The Royals' state championship win reflects the hard work, talent, skill, and commitment given by each player to high school football and the team; and*

*Whereas, This achievement will be remembered by players, coaches, staff, friends, family, and fans for years to come: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the Roncalli High School football team for its 2020 state championship win.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to head coach John Rodenberg of the Roncalli High School football team for distribution.

The resolution was read a first time and adopted by voice vote.

### **House Concurrent Resolution 28**

Representative Snow introduced House Concurrent Resolution 28:

A CONCURRENT RESOLUTION honoring Judge David Cates.

*Whereas, David Clay Cates was born on October 8, 1959, in Evansville, Indiana, to Mary Ann and Dr. Jeryl R. Cates. He passed away on December 9, 2020, at the age of 61;*

*Whereas, The Honorable Judge Cates was deeply involved in his community, having been a resident of Kosciusko County for 34 years after graduating in 1985 with his juris doctor from Indiana University School of Law in Indianapolis;*

*Whereas, Judge Cates was a graduate of Indianapolis Ben Davis High School and received his bachelor of science from Purdue University in 1982;*

*Whereas, Judge Cates was a proud Boilermaker and enjoyed membership in the Purdue Alumni Association, John Purdue Club, and Kosciusko County Purdue Alumni Club;*

*Whereas, Judge Cates moved to Syracuse after graduating law school and practiced law with Pickwick Block. He later became partner at the law firm Green, Cates and Grossnickle, LLP, and he worked with and was a member of the Indiana State and Kosciusko County Bar Associations for many years;*

*Whereas, Judge Cates was a registered mediator and served more than 100 days as judge pro tem in Kosciusko County*

*Court, and was admitted to practice with the Indiana Supreme Court, Northern and Southern Federal District Courts, and U.S. 7th Circuit Court of Appeals;*

*Whereas, Judge Cates was elected as superior court judge in 2014 and brought a wealth of knowledge and experience to the position with his many years of private practice, including serving 26 years as the second attorney in the history of the Wawasee Community School Corporation;*

*Whereas, Judge Cates served on the Republican staff of the Indiana House of Representatives from 1981 to 1984. He was past executive secretary of the Indiana Judicial Study Commission, Judicial Nominating Commission, and Judicial Qualifications Commission;*

*Whereas, Judge Cates was a Republican Party delegate to the Indiana Republican State Convention twice and served as sergeant of arms with the Indiana State Republican Convention. He was active in the local Republican Party and served as former vice-precinct committee member;*

*Whereas, Judge Cates was named honorary Indiana secretary of state for his years of service to the Indiana General Assembly and for his work with the Indiana Republican party;*

*Whereas, Judge Cates was an avid fisherman and outdoorsman who enjoyed membership in Ducks Unlimited, the National Rifle Association, Webster Lake Musky Club, Muskies Inc. International, and the K21 Health Foundation;*

*Whereas, Judge Cates sought to better his community by contributing his time, talent, and knowledge to many roles, including president and board member for the Lakeland Youth Center, president and board member for Lakeland Community Services, board member for Teen Parents Succeeding, trustee of the Milford Library Board, certified Hunter Education instructor, and as a member of the Syracuse-Wawasee Chamber of Commerce, the Syracuse-Wawasee Rotary Club, ABATE of Indiana, Calvary United Methodist Church, and the American Legion Herbert Kuhn Post 253;*

*Whereas, Judge Cates will be lovingly remembered by his wife, Kimberly Dawn; sons, Jeryl and Jeremy; stepson, Christopher; stepdaughter, Abigail; granddaughter, Willow; mother, Mary Ann; and sister, Debbie; and*

*Whereas, Judge Cates lived his life in the service of others and devoted himself to the betterment of his community and the state of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly honors and remembers Judge David Cates for his many years of service in his community.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives shall transmit a copy of the resolution to the office of State Representative Craig Snow for distribution

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Mishler.

## **REPORTS FROM COMMITTEES**

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 78, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 24.

Page 2, line 27, after "(a)" insert **"This subsection does not apply to a hospital police department of a hospital licensed under IC 16-21-2, which is instead governed by subsection (e)."**

Page 2, line 41, after "(b)" insert **"This subsection does not apply to a hospital police department of a hospital licensed under IC 16-21-2, which is instead governed by subsection (e)."**

Page 3, line 11, after "a" insert **"for-profit or nonprofit"**.

Page 4, delete line 1 and insert **"January 1, 2022, if:**

**(1) that information concerns a matter that resulted in an arrest or criminal charges; and**

**(2) the information has been de-identified in a manner consistent with the Health Insurance Portability and Accountability Act, 45 CFR 164.514.**

**(f) When creating a record described under subsection (e), a hospital police department of a for-profit or nonprofit hospital licensed under IC 16-21-2 shall create that record not later than two (2) business days after the initiating incident or arrest. Matters that are still under investigation by the hospital police department sixty (60) days after the initiating incident or arrest are not subject to the requirements of subsection (e).**

**(g) Subsection (e) does not apply to the governing board of a for-profit or nonprofit hospital licensed under IC 16-21-2 or any other department, division, board, entity, or office of a hospital."**

Page 4, line 2, delete "(f)" and insert **"(h)"**.

Page 4, line 11, delete "hospital licensed under IC 16-21-2." and insert **"hospital."**

Page 4, line 20, after "to the" insert **"hospital's"**.

Page 4, line 26, delete "hospital association;" and insert **"Hospital Association;"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 78 as reprinted February 19, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

FRYE R, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 164, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, delete "fiscal body of the county" and insert **"county fiscal body"**.

Page 3, between lines 3 and 4, begin a new paragraph and insert:

**"(e) If the county fiscal body adopts an ordinance to increase the tax rate after June 30, 2021, under subsection (b), the county fiscal body shall:**

**(1) specify the effective date of the ordinance to provide that the ordinance takes effect:**

**(A) at least thirty (30) days after the adoption of the ordinance; and**

**(B) on the first day of a month; and**

**(2) immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.**

**(f) If the county fiscal body does not immediately send a certified copy of the ordinance to the commissioner of the department of state revenue as required under subsection (e), the department of state revenue shall treat an increase in the tax rate under this section as having been adopted on the later of:**

**(1) the first day of the month that is not less than thirty**

**(30) days after the ordinance is sent to the department of state revenue; or**

**(2) on the effective date specified in the ordinance."**

Page 6, line 35, delete "fiscal body of the county" and insert **"county fiscal body"**.

Page 7, line 34, delete "fiscal body of the county" and insert **"county fiscal body"**.

(Reference is to SB 164 as printed February 10, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10-13-1, AS AMENDED BY P.L.112-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 1. As used in this chapter, "exposure risk disease" refers to:

(1) anthrax;

(2) hepatitis;

(3) human immunodeficiency virus (HIV);

(4) meningococcal meningitis;

**(5) any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19);**

~~(5) (6)~~ smallpox; or

~~(6) (7)~~ tuberculosis.

SECTION 2. IC 5-10-13-2, AS AMENDED BY P.L.227-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this chapter, "employee" means an individual who:

(1) is employed full time by the state or a political subdivision of the state as:

(A) a member of a fire department (as defined in IC 36-8-1-8);

(B) an emergency medical services provider (as defined in IC 16-41-10-1);

(C) a member of a police department (as defined in IC 36-8-1-9);

(D) a correctional officer (as defined in IC 5-10-10-1.5);

(E) a state police officer;

(F) a county police officer;

(G) a county sheriff;

(H) an excise police officer;

(I) a conservation enforcement officer;

(J) a town marshal;

(K) a deputy town marshal; ~~or~~

(L) a member of a consolidated law enforcement department established under IC 36-3-1-5.1;

**(M) a probation officer; or**

**(N) a community corrections officer;**

(2) in the course of the individual's employment is at high risk for occupational exposure to an exposure risk disease; and

(3) is not employed elsewhere in a similar capacity.

SECTION 3. **An emergency is declared for this act.**

(Reference is to SB 232 Digest Correction as printed February 12, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRYE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-30.8, AS ADDED BY P.L.1-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30.8. "Coal combustion residuals", for purposes of **IC 13-15-1-3 and IC 13-19-3-3**, has the meaning set forth in IC 13-19-3-3(a).

SECTION 4. IC 13-11-2-77.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 77.8. "Federal CCR rule", for purposes of IC 13-19-3, has the meaning set forth in IC 13-19-3-3(b).**

SECTION 5. IC 13-11-2-87, AS AMENDED BY P.L.189-2018, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 87. (a) "Fund", for purposes of IC 13-14-12, refers to the environmental management special fund.

(b) "Fund", for purposes of IC 13-15-10, refers to the waste facility operator trust fund.

(c) "Fund", for purposes of IC 13-15-11, refers to the environmental management permit operation fund.

(d) "Fund", for purposes of IC 13-17-6, refers to the asbestos trust fund.

(e) "Fund", for purposes of IC 13-17-8, refers to the Title V operating permit program trust fund.

(f) "Fund", for purposes of IC 13-18-8-5, refers to a sanitary fund.

(g) **"Fund", for purposes of IC 13-19-3-3.2, refers to the CCR program fund.**

~~(g)~~ (h) "Fund", for purposes of IC 13-20-13, refers to the waste tire management fund.

~~(h)~~ (i) "Fund", for purposes of IC 13-20-22, refers to the state solid waste management fund.

~~(i)~~ (j) "Fund", for purposes of IC 13-21-7, refers to the waste management district bond fund.

~~(j)~~ (k) "Fund", for purposes of IC 13-21-13-2, refers to a district solid waste management fund.

~~(k)~~ (l) "Fund", for purposes of IC 13-23-6, refers to the underground petroleum storage tank trust fund.

~~(l)~~ (m) "Fund", for purposes of IC 13-23-7 and IC 13-23-8, refers to the underground petroleum storage tank excess liability trust fund (or ELTF).

~~(m)~~ (n) "Fund", for purposes of IC 13-25-4, refers to the hazardous substances response trust fund.

~~(n)~~ (o) "Fund", for purposes of IC 13-25-5, refers to the voluntary remediation fund.

~~(o)~~ (p) "Fund", for purposes of IC 13-28-2, refers to the voluntary compliance fund.

SECTION 6. IC 13-15-1-3, AS AMENDED BY P.L.133-2012, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The board shall establish requirements for the issuance of permits to control solid waste, hazardous waste, and atomic radiation, including the following:

(1) Permits to control or limit the disposal of any contaminants onto or into the land.

(2) Permits for the construction, installation, or modification of facilities, equipment, or devices:

(A) to control or limit any discharge, emission, or

disposal of contaminants into the land; or

(B) for the storage, treatment, processing, transferring, or disposal of solid waste or hazardous waste.

(3) Permits for the operation of facilities, equipment, or devices:

(A) to control or limit the discharge, emission, transfer, or disposal of any contaminants into the land; or

(B) for the storage, transportation, treatment, processing, transferring, or disposal of solid waste or hazardous waste.

**(4) Permits for the disposal of coal combustion residuals in landfills and surface impoundments."**

Page 4, after line 30, begin a new paragraph and insert:

"SECTION 8. IC 13-19-3-1, AS AMENDED BY P.L.97-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The board shall do the following:

(1) Except as otherwise provided in this chapter, adopt rules under IC 4-22-2 and IC 13-14-9 to regulate solid and hazardous waste and atomic radiation in Indiana, including:

(A) rules necessary to implement the federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended; and

**(B) rules necessary for the establishment of a state permit program under Section 2301 of the federal Water Infrastructure Improvements for the Nation Act (42 U.S.C. 6945(d)) for the implementation in Indiana of the federal CCR rule.**

(2) Consult with the department concerning the regulation of solid waste and hazardous waste.

(3) Carry out other duties imposed by law.

SECTION 9. IC 13-19-3-3, AS AMENDED BY P.L.1-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this section, "coal combustion residuals" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.

~~(b) Except as provided in subsection (c); the board may not adopt rules under section 4 of this chapter to regulate the following:~~

~~(1) The disposal of waste indigenous to the coal mining process and coal combustion products (as defined by ASTM E-2201-02a); including fly ash; bottom ash; boiler slag; fluidized bed combustion ash; or flue gas desulfurization material produced from the combustion of coal or the cleaning of stack gases on coal combustion units if the material:~~

~~(A) is not included in the definition of hazardous waste or is exempt from regulation as a hazardous waste under 42 U.S.C. 6921; and~~

~~(B) is disposed of at a facility regulated under IC 14-34.~~

~~(2) The use of coal combustion products (as defined by ASTM E-2201-02a); including fly ash; bottom ash; boiler slag; fluidized bed combustion ash; or flue gas desulfurization material produced from the combustion of coal or the cleaning of stack gases on coal combustion units; if the use includes one (1) of the following uses:~~

~~(A) The extraction or recovery of materials and compounds contained within coal combustion products.~~

~~(B) Bottom ash as an antiskid material.~~

~~(C) Raw material for manufacturing another product.~~

~~(D) Mine subsidence; mine fire control; and mine sealing.~~

~~(E) Structural fill when combined with cement, sand; or water to produce a controlled strength fill material.~~

~~(F) A base in road construction.~~

~~(G) Cover for coal processing waste disposal locations~~

to inhibit infiltration at surface and underground mines subject to IC 14-34, so long as a demonstration is made in concurrence with the department of natural resources that the materials and methods to be employed are appropriate for the intended use.

(H) Providing buffering or enhancing structural integrity for refuse piles at surface and underground mines subject to IC 14-34, so long as a demonstration is made in concurrence with the department of natural resources that the materials and methods to be employed are appropriate for the intended use.

(I) Agricultural applications, when applied using appropriate agronomic amounts to improve crop or vegetative production.

(b) As used in this section, "federal CCR rule" refers to 40 CFR 257, Subpart D, the federal standards for the disposal of coal combustion residuals in landfills and surface impoundments.

(c) The board may adopt rules under section 1(1) of this chapter that are consistent with the regulations of the United States Environmental Protection Agency concerning standards for the disposal of coal combustion residuals in landfills and surface impoundments, as set forth in 40 CFR 257.50 et seq. the federal CCR rule.

(d) The department shall do the following:

(1) Establish a state permit program under Section 2301 of the federal Water Infrastructure Improvements for the Nation Act (42 U.S.C. 6945(d)) for the implementation in Indiana of the federal CCR rule.

(2) Submit to the administrator of the United States Environmental Protection Agency under 42 U.S.C. 6945(d)(1)(A) evidence of the state permit program.

(3) Take other necessary or appropriate actions to obtain approval of the state permit program.

(e) Not later than May 15, 2021, the department shall notify the United States Environmental Protection Agency of its intention to establish a state permit program described in subsection (d)(1) and to seek approval of the state permit program under 42 U.S.C. 6945(d)(1).

(f) Under IC 4-22-2 and IC 13-14-9:

(1) the department shall initiate rulemaking for the establishment of the state permit program not more than sixty (60) days after the effective date of the SECTION of Senate Enrolled Act 271-2021 amending this section; and

(2) the board shall adopt a final rule for the establishment of the state permit program not more than sixteen (16) months after initiation of the rulemaking under subdivision (1).

(g) The state permit program established under this section must not establish requirements for any surface impoundment of coal combustion residuals unless and until the state permit program is approved by the administrator of the United States Environmental Protection Agency under 42 U.S.C. 6945(d)(1).

(h) The definitions set forth in section 257.53 of the federal CCR rule, as in effect January 1, 2021, apply throughout subsection (i).

(i) The department shall charge the following fees under the state permit program established under this section:

(1) An initial one (1) time permit fee of twenty thousand five hundred dollars (\$20,500) for each surface impoundment of coal combustion residuals regulated under the state permit program.

(2) An annual fee of twenty thousand five hundred dollars (\$20,500) for each surface impoundment of coal combustion residuals regulated under the state permit program that has not completed closure in accordance with Section 257.102 of the federal CCR rule. The duty to pay the fee established by this subdivision does not

apply on an annual basis until three hundred sixty-five (365) days after the initial one (1) time permit fee established by subdivision (1) has been assessed.

(3) An annual fee of ten thousand dollars (\$10,000) for each surface impoundment of coal combustion residuals regulated under the state permit program that has been closed and for which post-closure care has been initiated and is still required in accordance with Section 257.104 of the federal CCR rule. The duty to pay the fee established by this subdivision does not apply on an annual basis until three hundred sixty-five (365) days after the initial one (1) time permit fee established by subdivision (1) has been assessed.

Fees collected under this subsection shall be deposited in the CCR program fund established by section 3.2 of this chapter.

(j) Not later than July 1, 2027, and before the end of each succeeding period of five (5) years, the board shall review the:

(1) costs to the department of operating the state permit program established under this section; and

(2) revenue from the fees charged under subsection (i); as provided in IC 13-16-1-4. If the board determines that the revenue described in subdivision (2) is inadequate or excessive in relation to the costs described in subdivision (1), the board shall, under IC 13-16-1-2, change the amount of one (1) or more of the fees established under subsection (i).

SECTION 10. IC 13-19-3-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) The CCR program fund is established for the purpose of paying costs incurred by the department in operating the state permit program established under section 3 of this chapter, including:

(1) the personnel costs incurred in employing staff needed to perform the duties associated with the state permit program; and

(2) the cost of conducting the funding reviews required by section 3(j) of this chapter.

(b) The fund shall be administered by the department.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of:

(1) money appropriated by the general assembly;

(2) fees collected under section 3(i) of this chapter; and

(3) donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 11. P.L.250-2019, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: SECTION 35. (a) The environmental rules board shall, before January 1, 2022; 2023, adopt rules under IC 4-22-2 and IC 13-14-9 to increase the amount of the fees referred to in subsections (c) and (d). The fee increase under this SECTION shall be in accordance with IC 13-16-1, as amended by this act, except as provided in subsection (e).

(b) The board shall increase the fees referred to in subsections (c) and (d) only one (1) time under this SECTION.

(c) The board shall increase the fees established by:

(1) IC 13-18-10;

(2) IC 13-18-20;

(3) IC 13-18-20.5;

(4) IC 13-20-21; and

(5) IC 13-22-12;

to the extent calculated to cause annual aggregate fee revenue

after the fee increase under this subsection to be three million two hundred thousand dollars (\$3,200,000) greater than the aggregate fee revenue actually received in the year immediately preceding the fee increase under this subsection from the fees established by the statutes listed in subdivisions (1) through (5).

(d) The board shall increase the fees established by IC 13-17-8 to the extent calculated to cause annual aggregate fee revenue after the fee increase under this subsection to be two million dollars (\$2,000,000) greater than the aggregate fee revenue actually received from the fees established by IC 13-17-8 in the year immediately preceding the fee increase under this subsection. The fee increase under this subsection shall occur in accordance with the requirements of 326 IAC 2-1.1-7(b)(1) and 326 IAC 2-7-19.

(e) Notwithstanding IC 13-16-1-6(b), as added by this act, a fee may be increased under this SECTION by more than ten percent (10%).

(f) This SECTION expires on the earlier of the following:

(1) The effective date of the rules adopted under this SECTION.

(2) January 1, 2022: 2023.

SECTION 12. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to SB 271 as reprinted February 9, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

GUTWEIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 303, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 303 as reprinted February 23, 2021.)

Committee Vote: Yeas 11, Nays 1.

GUTWEIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 316, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 316 as printed February 12, 2021.)

Committee Vote: Yeas 10, Nays 2.

FRYE, Chair

Report adopted.

### ENGROSSED SENATE BILLS ON SECOND READING

#### Engrossed Senate Bill 381

Representative T. Brown called down Engrossed Senate Bill 381 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 381-2)

Mr. Speaker: I move that Engrossed Senate Bill 381 be amended to read as follows:

Page 4, after line 35, begin a new paragraph and insert:

"SECTION 3. IC 6-9-29-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. (a) Unless otherwise provided in this article, a county fiscal body that adopts an ordinance to impose, rescind, or increase or decrease

the rate of a county innkeeper's tax, **or to make a change between collection of the tax by the county treasurer or the department of state revenue**, must specify the effective date of the ordinance to provide that the ordinance takes effect:

(1) at least thirty (30) days after the adoption of the ordinance; and

(2) on the first day of a month.

(b) If a county fiscal body adopts an ordinance described in subsection (a), it must immediately send a certified copy of the ordinance to the commissioner of the department of state revenue. **Notwithstanding subsection (a), if the department of state revenue collects the revenue from the county innkeeper's tax, the department of state revenue shall begin collecting the tax at the rate provided in the ordinance on the later of:**

**(1) the first day of the month that is not less than thirty (30) days after the ordinance is sent to the commissioner of the department of state revenue; or**

**(2) the effective date specified in the ordinance.**

**If an ordinance does not specify an effective date, the ordinance shall be considered effective on the earliest date allowable under this section."**

(Reference is to ESB 381 as printed March 11, 2021.)

T. BROWN

Motion prevailed.

#### HOUSE MOTION (Amendment 381-3)

Mr. Speaker: I move that Engrossed Senate Bill 381 be amended to read as follows:

Page 4, after line 35, begin a new paragraph and insert:

"SECTION 3. IC 6-9-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The commission may:

(1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the commission considers necessary and desirable;

(2) sue and be sued;

(3) enter into contracts and agreements;

(4) make rules necessary for the conduct of its business and the accomplishment of its purposes;

(5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (6);

(6) after its approval of a proposal, transfer money, quarterly or less frequently, from the fund established under section 4(a) of this chapter, or from money transferred from that fund to the commission's treasurer under section 4(b) of this chapter, to any Indiana not-for-profit corporation to promote and encourage conventions, visitors, or tourism in the county; and

(7) require financial or other reports from any corporation that receives funds under this chapter.

**(b) This subsection applies only to Boone County. In addition to the powers of the commission under subsection (a), and subject to adoption of a resolution by the county fiscal body under section 6.5 of this chapter, the commission may enter into an agreement under which amounts deposited in, or to be deposited in, the fund established under section 4(a) of this chapter are pledged toward the payment of obligations (including bonds and leases) issued or entered into by any political subdivision located in the county to finance the construction, acquisition, enlargement, and equipping of a sports and recreation facility to promote and encourage conventions, trade shows, tourism, visitors, or special events within the county.**

**(b)(c) All expenses of the commission shall be paid from the fund established under section 4(a) of this chapter or from money transferred from that fund to the commission's treasurer under section 4(b) of this chapter. The commission shall**

annually prepare a budget, taking into consideration the recommendations made by a corporation qualified under subsection (a)(6) and submit it to the county fiscal body for its review and approval. **Except for payments made under an agreement that is authorized in a resolution adopted by the county fiscal body under section 6.5 of this chapter,** an expenditure may not be made under this chapter unless it is in accordance with an appropriation made by the county fiscal body in the manner provided by law.

SECTION 4. IC 6-9-18-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 6.5. (a) This section applies only to Boone County.**

**(b) The county fiscal body may adopt a resolution authorizing an agreement described in section (6)(b) of this chapter that pledges all or part of the amounts received from the tax imposed under section 3 of this chapter toward the payment of obligations of a political subdivision located in the county only after a public hearing:**

**(1) for which notice has been given in accordance with IC 5-3-1; and**

**(2) at which all interested parties are provided the opportunity to be heard.**

**Upon adoption of a resolution under this subsection, the county fiscal body shall publish notice of the adoption of the resolution in accordance with IC 5-3-1. An action to contest the validity of the resolution or agreement described in section (6)(b) of this chapter must be brought not later than thirty (30) days after notice of the adoption of the resolution.**

**(c) With respect to obligations to which amounts received from a tax imposed under section 3 of this chapter have been pledged in an agreement described in section (6)(b) of this chapter, the general assembly covenants with the commission and the purchasers or owners of the obligations that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under section 3 of this chapter, or the money deposited in the fund established under section 4(a) of this chapter, as long as the obligations are unpaid.**

SECTION 5. **An emergency is declared for this act."**

(Reference is to ESB 381 as printed March 11, 2021.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

## **ENGROSSED SENATE BILLS ON THIRD READING**

### **Engrossed Senate Bill 6**

Representative Negele called down Engrossed Senate Bill 6 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 262: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Mayfield, who had been excused, is now present.

### **Engrossed Senate Bill 7**

Representative Olthoff called down Engrossed Senate Bill 7 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 263: yeas 93, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Torr, who had been excused, is now present.

### **Engrossed Senate Bill 10**

Representative Ziemke called down Engrossed Senate Bill 10 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 264: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### **Engrossed Senate Bill 63**

Representative Negele called down Engrossed Senate Bill 63 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 265: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### **Engrossed Senate Bill 101**

Representative Behning called down Engrossed Senate Bill 101 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 266: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### **Engrossed Senate Bill 122**

Representative McNamara called down Engrossed Senate Bill 122 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 267: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### **Engrossed Senate Bill 167**

Representative Young called down Engrossed Senate Bill 167 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 268: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 183

Representative Leonard called down Engrossed Senate Bill 183 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 269: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 195

Representative Barrett called down Engrossed Senate Bill 195 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 270: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 242

Representative Davison called down Engrossed Senate Bill 242 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 271: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 400

Representative Pressel called down Engrossed Senate Bill 400 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 272: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 91, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 91 as printed February 19, 2021.)

Committee Vote: Yeas 23, Nays 0.

BROWN T, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 276, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 276 as reprinted February 19, 2021.)

Committee Vote: Yeas 10, Nays 0.

YOUNG J, Chair

Report adopted.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 232 and 316 had been referred to the Committee on Ways and Means.

### HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Abbott, Andrade, Austin, Baird, Barrett, Bartlett, M. Bauer, Campbell, Cherry, Clere, Cook, Davison, DeLaney, Eberhart, Ellington, Engleman, Fleming, Frye, GiaQuinta, Gutwein, Harris, Hatcher, Hatfield, Heine, Johnson, Karickhoff, King, Lauer, Ledbetter, Lehe, Lehman, Leonard, Lindauer, Manning, May, Mayfield, McNamara, Morris, Moseley, Olthoff, Pack, Rowray, Schaibley, Slager, Smaltz, V. Smith, Snow, Soliday, Steuerwald, Sullivan, Teshka, Thompson, VanNatter, Vermilion, Zent, Ziemke, Davis, Aylesworth, Lucas, Wesco, Miller, Carbaugh, Boy, Errington, Gore, Hamilton, Jackson, Klinker, Moed, Pfaff, Pierce, Porter, Shackleford, Summers and Goodrich be added as cosponsors of Engrossed Senate Bill 6.

NEGELE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Vermilion be removed as cosponsor of Engrossed Senate Bill 7 and Representatives Ledbetter, King and M. Bauer be added as cosponsor.

OLTHOFF

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative M. Bauer be added as cosponsor of Engrossed Senate Bill 63.

NEGELE

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Moed and Gore be added as cosponsors of Engrossed Senate Bill 167.

YOUNG

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Schaibley be added as cosponsor of Engrossed Senate Bill 169.

VERMILION

Motion prevailed.



## HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as cosponsor of Engrossed Senate Bill 175.

LEHMAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Miller be added as cosponsor of Engrossed Senate Bill 183.

LEONARD

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Zent be added as cosponsor of Engrossed Senate Bill 195.

BARRETT

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Olthoff be added as cosponsor of Engrossed Senate Bill 257.

KARICKHOFF

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Olthoff be added as cosponsor of Engrossed Senate Bill 324.

CARBAUGH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Fleming be added as cosponsor of Engrossed Senate Bill 365.

SCHAIBLEY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Campbell be added as cosponsor of Engrossed Senate Bill 381.

T. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Campbell be added as cosponsor of Engrossed Senate Bill 382.

NEGELE

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1072 and the same is herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

**Vacancy District 78**

March 16, 2021

Dear Speaker Huston:

This letter is notice of my resignation effective today, March 16, 2021 at 12:00 p.m.

It has been an honor and privilege to work with you, Speaker and to serve Indiana House District 78.

Honored to Serve,  
Holli Sullivan  
Representative House District 78

March 16, 2021

Kyle Hupfer, Chairan  
Indiana Republican Party  
101 W. Ohio Street, Suite 2200  
Indianapolis, IN 46204

Dear Chairman Hupfer:

This letter is to serve as official notice of the resignation of State Representative Holli Sullivan (District 78) per Indiana Code § 5-8-3.5-1(a)(2)(B) and Indiana Code § 5-8-3.5-1 (b). Attached you will find Representative Sullivan's letter stating that her resignation is effective March 16, 2021 at 12:00 p.m.

Please do not hesitate to contact me if you need additional information.

Very truly yours,  
Todd M. Huston, Speaker  
Indiana House of Representatives  
122<sup>nd</sup> Indiana General Assembly

[*Journal Clerk's Note:* Representative Holli Anne Sullivan was appointed by Governor Eric Holcomb to replace outgoing Secretary of State Connie Lawson.]

Pursuant to House Rule 111, the following author or sponsor changes were made:

HB 1246: Representative Sullivan was removed as author and Representative Austin was substituted therefore.

HB 1001: Representative Sullivan was removed as coauthor.

HB 1003: Representative Sullivan was removed as coauthor.

HB 1168: Representative Sullivan was removed as coauthor.

HB 1197: Representative Sullivan was removed as coauthor.

SB 213: Representative Sullivan was removed as sponsor and Representative T. Brown was substituted therefor.

SB 215: Representative Sullivan was removed as sponsor and Representative Heine was substituted therefor.

SB 385: Representative Sullivan was removed as sponsor and Representative Speedy was substituted therefor.

SB 384: Representative Sullivan was removed as cosponsor.

**CHANGES IN COMMITTEE APPOINTMENTS**

The Speaker announced the following change in appointment to committee:

Rules and Legislative Procedures: Representative Negele is replacing Representative Sullivan as Vice Chair.

On the motion of Representative Johnson, the House adjourned at 2:26 p.m., this sixteenth day of March, 2021, until Thursday, March 18, 2021, at 10:30 a.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives